

Application Serial No. 09/766,811

#### Status of Claims

Claims ~~1-12~~ are pending in the present application (see Appendix A for a listing of the claims).

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,845,090 to Collins, III et al. (hereinafter "Collins") in view of U.S. Patent No. 6,505,228 to Schoening et al. (hereinafter "Schoening"), SmartUpdate, "SmartUpdate Developer's Guide", <http://developer.netscape.com/docs/manuals/communicator/jarman/install.htm> (hereinafter "SmartUpdate"), and U.S. Patent No. 6,389,589 to Mishra et al. (hereinafter "Mishra").

Claims 6-12 stand rejected under 35 U.S.C. §103(a) as unpatentable over Collins in view of Mishra.

#### Status of Amendments

Additional claims 13-17 introduced by the Amendment and Response to Final Office Action filed October 18, 2004 were not entered by the Examiner.

#### Summary of the Invention

The present invention provides a means of managing and distributing software. Application, page 1, lines 4-5. Software deployment can be a challenge in large distributed networks containing thousands of systems with multiple platforms. Application, Fig. 17. The present invention provides an efficient and reliable solution to deploy software packages. Application, page 3, lines 14-16.

In accordance with an embodiment of the invention, a software package to be deployed comprises a hierarchical structure of leaf and branch nodes capable of being traversed in a top-down manner. Application, page 7, lines 6-8 and Fig. 2. Each leaf node of the software package hierarchy corresponds to an action (i.e., restart, add file, remove file) to be performed on a target